

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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LEENA VARUGHESE, M.D.,

Plaintiff,

v.

ROBERT WOOD JOHNSON MEDICAL  
SCHOOL; MICHAEL KELLY, M.D.;  
BILLIE FYFE-KIRSCHNER, M.D.; JOHN  
AND/OR JANE DOES; and ABC  
CORPORATIONS 1-10,

Defendants.

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Civil Action No. 16-02828 (FLW)(LHG)

**ORDER**

**THIS MATTER** having been opened to the Court by Genova Burns LLC (John C. Petrella, Esq., appearing), counsel for Defendants Rutgers Robert Wood Johnson Medical School, Michael Kelly, M.D., and Billie Fyfe-Kirschner, M.D. (collectively, “Defendants”), on a motion to dismiss the Amended Complaint of *pro se* Plaintiff Leena Varughese (“Plaintiff”), for failure to state a claim, pursuant to Fed. R. Civ. P. 12(b)(6), and for failure to join a necessary party, pursuant to Fed. R. Civ. P. 12(b)(7); it appearing that Plaintiff, appearing *pro se*, opposes the motion; the Court having considered the submissions of the parties; pursuant to Fed. R. Civ. P. 78; for the reasons set forth in the Opinion filed on even date; and for good cause shown;

**IT IS**, this 26<sup>th</sup> Day of September, 2017,

**ORDERED** that Defendants’ motion is **GRANTED**; Count I (Title VII Retaliation) as raised against Defendant RWJMS, Count II (§ 1981 Retaliation and Discrimination), Count III (NJLAD Retaliation), and Count IV (Civil RICO), are **DISMISSED WITHOUT PREJUDICE**; and Count I (Title VII Retaliation) as raised against Defendants Kelly and Fyfe-Kirschner and

Count V (§ 241) as raised against all Defendants are **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED** that Plaintiff is **GRANTED LEAVE TO FILE AN AMENDED COMPLAINT**, curing the deficiencies in pleading identified in the Court's Opinion for any of the Counts dismissed by this Court without prejudice (Count I as raised against Defendant RWJMS, Count II, Count III, and Count IV) with which Plaintiff would like to proceed, **WITHIN THIRTY (30) DAYS** of this Order.

/s/ Freda L. Wolfson  
Hon. Freda L. Wolfson, U.S.D.J.